

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the Matter of the Adoption)	NOTICE OF ADOPTION OF
of a Temporary Emergency Rule)	TEMPORARY EMERGENCY
pertaining to SPECIAL)	RULE
PERMITS)	

TO: All Concerned Persons

1. The Department of Revenue is adopting the following emergency rule because of the number of special events coming up this summer that will require special use permits to sell beer and wine. The department intends to adopt the following temporary emergency rule. The rule as adopted will be published as an emergency rule in the next issue of the register.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact [agency] no later than 5:00 p.m. on June 30, 1999, to advise us of the nature of the accommodation that you need. Please contact Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana, 59604-7701; telephone (406)459-2646; fax (406)444-3696; or e-mail canderson@state.mt.us.

3. The temporary emergency rule will be effective July 23, 1999.

4. The text of the temporary emergency rule is as follows:

NEW RULE I SPECIAL PERMITS (1) A special permit application must be completed and approved by the department when requesting the ability to sell beer and wine to patrons attending a special event. The holder of a special permit must abide by all applicable laws governing the retail sale of beer and wine for on-premises consumption.

(2) The length of time for which a special permit can be issued is determined by the fact that there is an outcome, conclusion or result. For example, the conclusion of a baseball tournament or the end of a concert.

(3) An association or corporation in good standing with the secretary of state can apply for a special permit, except those who have an ownership interest in a manufacturer, importer, bottler or distributor of alcoholic beverages or ownership in an agency liquor store.

(4) The applicant for the special permit must be conducting the event or be a member of a group conducting the event.

(5) A special permit cannot be substituted for a retail on-premises consumption alcoholic beverages license.

(6) Only one permit is required for multiple locations where beer and wine are sold within the enclosure where the event is held. All locations must be described on the permit application. A copy of the permit must be posted at each location.

(7) A special permit cannot be issued to a location where another permit or license is issued.

(8) Private parties where no money or other consideration is exchanged such as weddings or office parties are not required to obtain a special permit.

AUTH: Sec. 16-1-303, MCA;

IMP: Sec. 16-4-301, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. A standard rulemaking procedure will be undertaken prior to the expiration of this temporary emergency rule.

7. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally notified of that rulemaking process, they should submit their names and addresses to Cleo Anderson at the address above.

8. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding specific department rule changes. Such written request may be mailed or delivered to (name, address), faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the department of revenue.

9. The negotiated rule review committee has been notified of the adoption of this temporary emergency rule.

10. The notice requirements of 2-4-302(2)(d), MCA, have been satisfied.

CLEO ANDERSON
Rule Reviewer

MARY BRYSON
Director
Department of Revenue

Certified to the Secretary of State July 12, 1999